

**Introduced by Senator Oropeza**

December 1, 2008

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An act to add Section 5008.9 to the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 4, as amended, Oropeza. Public resources: state beaches and parks: smoking ban.

(1) Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system, as defined. The bill would establish a state-mandated local program by creating a new crime.

This bill would permit the Department of Parks and Recreation or another relevant state agency to develop and post signs at a state coastal beach or a unit of the state park system to provide notice of the smoking prohibition. *The bill would require the smoking prohibition to be enforced only after signs have been posted alerting the public of the prohibition.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5008.9 is added to the Public Resources  
2 Code, to read:  
3 5008.9. (a) For purposes of this section, the following  
4 definitions apply:  
5 (1) “Cigar” has the same meaning as defined in Section 104550  
6 of the Health and Safety Code.  
7 (2) “Cigarette” has the same meaning as defined in Section  
8 104556 of the Health and Safety Code.  
9 (3) “Smoke or smoking” means the carrying of a lighted pipe,  
10 lighted cigar, or lighted cigarette, of any kind, or the lighting of a  
11 pipe, cigar, or cigarette, of any kind, including, but not limited to,  
12 tobacco or any other weed or plant.  
13 (4) “State coastal beach” means a sand area that is owned,  
14 operated, or under the jurisdiction of the state, an agency of the  
15 state, or a department of the state and that adjoins the ocean, a bay,  
16 or an estuary. “State coastal beach” does not include an adjacent  
17 parking lot.  
18 (5) “Unit of the state park system” means an area specified in  
19 Section 5002. “Unit of the state park system” does not include an  
20 adjacent parking lot.  
21 (b) A person shall not smoke a cigar, cigarette, or other  
22 tobacco-related product on a state coastal beach or in a unit of the  
23 state park system.  
24 (c) A person who violates this section is guilty of an infraction  
25 and shall be punished by a fine of ~~two hundred fifty dollars (\$250)~~  
26 *one hundred dollars (\$100)*.  
27 (d) The Department of Parks and Recreation or another relevant  
28 state agency or department may develop and post signs at a state  
29 coastal beach and a unit of the state park system to provide notice  
30 of the smoking prohibition set forth in subdivision (b). New signs  
31 shall be posted only when existing signs are replaced by the state.  
32 (e) *This section shall only be enforced on state coastal beaches*  
33 *or in a unit of the state park system once signs have been posted*  
34 *alerting the public to the smoking prohibition in subdivision (b).*

1     SEC. 2. No reimbursement is required by this act pursuant to  
2     Section 6 of Article XIII B of the California Constitution because  
3     the only costs that may be incurred by a local agency or school  
4     district will be incurred because this act creates a new crime or  
5     infraction, eliminates a crime or infraction, or changes the penalty  
6     for a crime or infraction, within the meaning of Section 17556 of  
7     the Government Code, or changes the definition of a crime within  
8     the meaning of Section 6 of Article XIII B of the California  
9     Constitution.

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